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Federal Realty Investment Trust

Proposed Site Plan – 1626 E. Jefferson Street

Statement of Justification

I. Introduction

a. Applicant and Property

Congressional Plaza Associates, LLC, (the "Applicant") is the owner of the Congressional Plaza shopping center.¹ That portion of Congressional Plaza which is the subject of this application is located in the southwest corner of the site with an address of 1626 E. Jefferson Street (the "Property"). In accordance with the City of Rockville Zoning Ordinance, the Applicant is seeking approval of a Level 2 Site Plan, to accommodate redevelopment of the Property with a modestly-sized 77,250 square foot multi-family residential building. The proposed project will accommodate 49 dwelling units and 71 parking spaces (the "Project" or "Crest II").

The Property is comprised of approximately 39,000 square feet² and is zoned Mixed Use Corridor District ("MXCD"). The Property is located at the north-east corner of East Jefferson Street and Halpine Road. The Property is less than 2,000 feet from the Twinbrook Metro Station.

b. Description of Project

The proposed multi-family development will involve the construction of a five story building, which will include as part of the first level, a concealed at-grade parking garage. The 65 foot high multi-family residential building will accommodate 49 dwelling units. The building is situated to frame the East Jefferson Street and Halpine Road frontages, with the primary residential entrance to be located along the northern facade of the building.

The Project will serve as a bookend to the existing multi-family residential building, located in the north-west corner of the Congressional Plaza Shopping Center (the "Crest I"), which contains 149 dwelling units. To this end, the design of the building will be comparable to the Crest I design. The Project is specifically designed and oriented so that the residents of the Crest II will have easy access to amenities in the Crest I. The interior courtyard and pool, at the Crest I, will be provided for the shared enjoyment by residents of both the Crest I and Crest II. Similarly, the residents of Crest I will have

¹ Federal Realty Investment Trust is the managing member of Congressional Plaza Associates, LLC.

² The project site is part of Congressional Plaza shopping center. Congressional Plaza, in its entirety, encompasses 21.8 acres.

access to the amenities provided by Crest II. The Project will provide a total of approximately 20 percent open space (8,100 square feet), of which approximately 7.7 percent (3,000 square feet) will be designated as public use space, including a landscaped park and exterior courtyard. Other residential amenities on the Property include a community room and exercise room.

The Crest II building will be set back only 8 feet from the Property line along East Jefferson Street and 10' from the Property line along Halpine Road, in order to help define the pedestrian environment and enhance the pedestrian experience along these two roadways. The exterior courtyard along Halpine Road will also provide an inviting public space, which will further enhance the pedestrian experience. However, because the Crest II is set back only 8 feet along East Jefferson Street, the construction activity and the building foundation itself will likely impact the critical root zone of many of the existing Bald Cypress trees. In order to maintain a cohesive streetscape, all Bald Cypress trees adjacent to the proposed Crest II building and along the East Jefferson Street frontage (seven trees in total) will need to be removed. These trees will be replaced in-kind by Bald Cypress trees, approximately 14'-16' in height and 3-3.5" caliper size at the time of planting. The new row of Bald Cypress trees will provide screening of the Property from the multi-family apartments on the west side of East Jefferson Street.

The Project will provide a total of 71 parking spaces, with 27 parking spaces in an at-grade parking garage under the building and 44 surface parking spaces located immediately north of the building. Additionally, existing office parking will be available to residents and their guests on the weekends. Vehicular access to the Crest II will utilize the two existing entrances along East Jefferson Street, and loading for the residential building will be accessed from the existing entrance off Halpine Road. The garage entry will be secured and the entrance will be oriented to the interior of the Property.

The Congressional Plaza site, in its entirety, will continue to comply with the applicable City of Rockville development and parking standards following the development of Crest II. Based on standard parking requirements, 1,627 parking spaces would be required for the entire Congressional Plaza Shopping Center. However, only 1,405 parking spaces are required with the shared use reduction. The Congressional Plaza Shopping Center will comply with this requirement by providing a total of 1,510 parking spaces, including the Crest I and Crest II structured parking and all surface spaces.

c. 1989 Rockville Pike Corridor Neighborhood Plan (the "Corridor Plan") and Pending Rockville Pike Plan ("Pike Plan")

The Property is located within the Twinbrook Metro Performance District as identified in the Corridor Plan. Although the Plan is more than 20 years old, it appropriately identified many of the urban design objectives which are very much a part of today's development vocabulary. The Corridor Plan recommends residential development along East Jefferson Street to complement the existing apartments on the west side of the street and to serve as a transition between the apartments to the west of the Property and the mixed-use developments to the east. Specifically, the Corridor Plan recommends a maximum density of 60 dwelling units per acre on the Property. Residential

development is encouraged in the Twinbrook Metro Performance District in order to provide new housing opportunities and to encourage utilization of mass transit for work-trips.

While the proposed development conforms to the relevant recommendations of the Corridor Plan, the Project is also designed to accommodate the recommendations in the proposed Pike Plan. The Property falls within the South Pike planning area. According to the Pike Plan, the South Pike planning area has the most potential to accommodate future population growth within the Rockville Pike Corridor, because of its proximity to the Metro. The current iteration of the Pike Plan recommends neighborhood oriented uses on the Property. Specifically, areas of the South Pike, west of Rockville Pike, are to provide a transition between uses and a mix of housing types. In furtherance of the Pike Plan's goals, the Crest II building will be designed to frame Halpine Road and East Jefferson Street, in order to help define the pedestrian space. The Pike Plan also seeks to de-emphasize parking, which this Project accomplishes by: developing a portion of an existing surface level parking lot; constructing the necessary additional parking spaces in a concealed at-grade garage below the building; and making existing office parking available to residents on the weekend to accommodate residential parking demand without constructing additional parking spaces.

II. Compliance with the Mixed Use Corridor District ("MXCD")³

The Project complies with all of the development standards of the MXCD Zone and furthers many of the policy objectives of the Zone, as discussed below.

Section 25.13.03 – Multiple-unit residential dwellings are permitted in the MXCD Zone.

Section 25.13.05 – Development Standards:

- a. Build-to-Lines – *Where a build-to-lot line established in the Corridor Plan is required, at least 70 percent of the length of the building wall facing that line must be set at the build-to-line.* Not applicable. The Project is set back 10 feet from Property line along Halpine Road. This setback is necessitated by an 8 foot Public Utility Easement.

- b. *Development Standards*

1. *Table*

- *Height Maximum of 75 feet. Provided: 65 feet.*
- *Open Space* – According to Section 25.08.07(a), (d), because the Project is not disturbing more than 50 percent of the net lot area, it does not need to strictly comply with the public use space requirements in section 25.13.05(b)(1). However, based on the site area devoted to the Crest II residential building (39,000 square feet), the Project is providing a total of approximately 20 percent open space (8,100 square feet), of which approximately 7.7 percent (3,000 square feet) will be designed as public use space.

³ Headings and subheadings in this Section II refer to Zoning Ordinance Sections and thus, this Section does not follow the numerical format of an outline.

- *Minimum width at front lot line of 10 feet required.* Provided. Note: Proposed building width will be 117 feet on East Jefferson Street and 68 feet on Halpine Road.
- *Setback abutting right-of-way* – None are required. However, the Crest II is setback from the Property line, 8 feet on East Jefferson Street and 10 feet along Halpine Road.
- *Side setback and rear setback:* Not applicable. The Property is not a separate delineated parcel.

2. *Building Height*

- *(b) MXCD Zone –Maximum building height allowed in the MXCD zone is 75 feet. Building facades should have heights between 35 and 50 feet at the street. Building heights up to 75 feet at the street may be achieved where recommended by the plan or approved by the Planning Commission as part of a site plan under Section 15.07.05.*

1. The overall height of the building as measured in accordance with the Zoning Ordinance is 65 feet. To visually break-up the height of the building, the design of the Project includes material changes from the pedestrian level to the floors above. Additionally, to break up the massing of the building, the facades have inset balconies and material changes across the overall length.

- *(d) Layback Slope* – Not applicable.

c. *Other Standards and Requirements for New Development*

1. *Moderately Price Dwelling Unit Ordinance Compliance* – The Project is not subject to MPDU requirements because the Project contains less than 50 units.
2. *Public Use Space* – A total of approximately 3,000 square feet public use space will be provided and will consist of a public courtyard accessed off Halpine Road.

Section 25.13.06 — *Additional Design Guidelines*

b. *Aesthetic and Visual Characteristics for All Zones*

1. *Facade and Exterior Walls – Avoid massive scale and uniform and impersonal appearance, which will provide visual interest consistent with the community's identity, character, and scale.* The facades and exterior walls of the Project will provide multiple expressions both horizontally and vertically along the public street frontages. The exterior design includes recessed and projecting elements, as recommended in the guidelines. In addition, the elevations are comprised of varied materials, colors and textures that respond to the immediate context, as well as the existing Crest I residential building.

- a. *Occupy at least 60 percent of street frontage with windows, arcades and awnings.* The street frontage of the Project includes architectural treatments using various materials including, but not limited to, cast stone, brick, veneer stone and exposed metal accents. The façade contains openings along the ground level to provide a visual connection from the exterior to the interior spaces. The openings within the dedicated parking areas will be screened in such a manner that daylight and views are available, but light from car headlights within the parking garage will be shielded from the exterior view.
 - b. *Provide architectural features that contribute to the visual interest at the pedestrian scale.* The design of the Project at the pedestrian scale includes various materials, such as: cast stone, brick, veneer stone and exposed metal accents. Within each of these major materials, there are additional accents including material, color and texture changes, which add depth and interest at the pedestrian level.
 2. *Vary roof lines; Utilize roof features that complement the architectural and visual character of adjoining neighborhoods.* The design of the Project includes varied roof and cornice lines including projecting roofs at the primary corners and secondary roof elements that project above the building's cornice, which correspond to living spaces inside the building.
 3. *Materials and Colors – Utilize building materials and colors compatible with those in adjoining neighborhoods.* The Project design will be similar to that of the Crest I residential building. Accordingly, the building materials and colors will complement the existing development and adjacent neighborhoods.
 4. *Items allowed not facing a public street – Window wall air conditioners, electric utility meters, air conditioning compressors and irrigation and pool pumps.* The Project does not include any of the aforementioned items facing a public street.
 5. *Entryways – Provide highly visible entryways.* The Project will have a prominent entry lobby. The lobby was specifically located on the northern façade of the building to provide a direct link to the shared amenities in the existing Crest I residential building and to the landscaped park, which is provided as part of the open space on the Property.
 6. *Screening of Mechanical Equipment –* All mechanical equipment will be adequately screened to mitigate noise and views in all directions.
- c. Site Design and relationship to Surrounding Community
1. *Vehicular access— Provide vehicular access from arterial, major or business district roads.* In accordance with this requirement, vehicular access to the residential parking will be provided from the existing curb cut along East Jefferson Street, and loading will be provided within the existing loading area which is accessed from Halpine Road; Both East Jefferson Street and Halpine Road are classified as business district roads in the Corridor Plan.

2. *Buffer nearby residential uses – Provide visual, light and noise buffers to nearby residential uses.* A row of Bald Cypress trees will be planted along East Jefferson Street, replacing the existing Bald Cypress trees that will be impacted by construction activity, to provide noise, light and visual screening of the Property from the adjacent multi-family apartments, located on the west side of East Jefferson Street.
3. *Outdoor sales and storage –* Not applicable
4. *Trash recycling restrictions –* Trash and recycling accommodations for the Crest II will be contained within the proposed building. Existing retail trash accommodations will continue to be screened from the public street by the brick wall.
5. *Parking lots and structures –*
 - a) *Parking Area Standards –Provide safe, convenient and efficient access.* Both surface and garage parking will be provided on the Property, directly adjacent to and below the proposed building. The garage entry will be secured.
 - b) *Parking Structure Appearance – Achieve the same high quality design and appearance as the building.* The at-grade parking garage is an integrated part of the Crest II building. The building will have a cohesive design and the garage will have substantially the same appearance and exterior materials as the residential portion of the building above.
6. *Pedestrian and bicycle flows – Accessibility, safety and convenience.* The Property will have safe pedestrian access. An internal pedestrian walkway of 5 feet in width will be provided around the perimeter of the parking lot, and will connect with the lobby entrance. Additionally, the existing sidewalks on Halpine Road, leading to the Twinbrook Metro, and along East Jefferson Street, connecting the Crest I and Crest II, will remain.
7. *Central features and community spaces –* Internal community spaces for the benefit of the residents will include a community room, fitness center, as well as shared use courtyard and pool (located at the Crest I). The open space outside the building will include a landscaped park and exterior courtyard. The landscaped park will be adjacent to the Crest II entrance and will help define the internal pedestrian connection between the Crest I and Crest II. The exterior courtyard along Halpine Road, provided as public use space, will anchor this pedestrian way. Additionally, the new row of Bald Cypress trees and understory plantings along East Jefferson Street, raised planters and landscape walls on the Property will help define the pedestrian ways.
8. *Delivery and loading space—* The loading area is designed to be accessed from Halpine Road, in an effort to mitigate visual and noise impacts to the adjoining residential neighborhood on the west side of East Jefferson Street. Additionally, the loading area is partially enclosed and screened with a brick wall, to minimize

its visual impact off Halpine Road. Residential loading will be coordinated to avoid conflict with other users of the loading area.

9. *Ancillary uses* – Not applicable.

10. *Noise abatement* – The proposed residential Project will produce little external noise and will comply with the noise abatement guidelines.

11. *Outdoor lighting* – Outdoor lighting will be in conformance with the *Landscaping, Screening and Lighting* manual.

12. *Landscaping* – Landscaping on the Property will be in conformance with the *Landscaping, Screening and Lighting* manual.

13. *Shadows*— The Project will not cast shadows on existing residential properties between the hours of 10:00 am and 2:00 pm, as measured on December 21st.

14. *Utility Lines* – All electrical, telecommunication and cable television equipment will be placed underground, in accordance with Section 25.17.03(b)(2).

Section 25.13.07 — *Special Design Regulations for MXCD Zone*

1. *Building Location* – Buildings should be located at the front property line or the build-to line where established by the Plan. The Crest II building is set back only 8 feet from the Property line on East Jefferson Street and 10 feet along Halpine Road. The setback along Halpine Road is necessitated by the existing 8 foot public utility easement. The parking will be accessed off East Jefferson Street, and access to the parking garage will be located on the interior of the Property.
2. *Uses by Floor* –Ground floor retail uses are preferred, but not required, and ceiling height on ground floor should normally be 15 feet. If the building contains only residential units, the ground floor may consist of residential units, but should be designed to facilitate conversion to retail or other commercial uses. Not applicable. The ground floor is primarily occupied by a parking garage and only a small residential lobby and community amenity space is provided on the ground floor.
3. *Façade* –Expression line and a defined cornice line. The Project design incorporates an expression line above the first floor and provides a defined cornice line toward the top of the façade.
4. *Fenestration* – Above-ground floor, fenestration should be individually framed windows. Individually framed windows will exist above the ground floor.
5. *Sidewalks* – Given that the Project's frontage along Halpine Road is less than 25% of the overall site frontage, the existing sidewalk along Halpine will remain as is to provide a consistent continuous sidewalk along the entire Halpine Road frontage of the shopping center site. Additionally, along East Jefferson Street frontage of the Property, the existing sidewalk will be left unchanged to mirror what is provided by the Crest I.
6. *Parking* – The majority of the parking should be located to the side or in the rear of the buildings, but must be screened from adjoining residential properties. Structured parking, either above or below grade is preferred. Any parking structure facade visible from street must be treated in a similar manner as the primary building façade. The

proposed Project will eliminate a significant portion of the existing surface parking on the corner of the site, and will replace it with an architecturally pleasing building and improved pedestrian areas. The surface parking to remain will be screened by the Bald Cypress trees along East Jefferson Street and the additional parking spaces will be provided in an at-grade parking garage below the Crest II building.

III. Landscaping and Screening

The Project will comply with the requirements of the Landscaping, Screening and Lighting Manual (the "Manual"). All proposed landscaping and screening is in accordance with the provisions of the Forest and Tree Preservation Ordinance.

The proposed Project will eliminate a portion of the existing surface parking on the corner of the site, and will replace it with the Crest II multi-family residential building. Because no additional surface parking is proposed, sections 4.d.2 (a), (b), (c) of the Manual are not applicable. The residual surface parking will remain essentially unchanged. The Project proposes to reconstruct one existing parking island for bio retention purposes. The proposed width of the island is over 10 feet, with a minimum length of 18 feet, and is in compliance with the requirements of section 4.d.2 (d). One parking pole light and one pedestrian pole light will be removed, to accommodate construction of the Crest II.

The seven existing Bald Cypress trees along East Jefferson Street will be removed because the impact of both construction activities and the building foundation would impact the trees' critical root zone. These trees will be replaced by seven Bald Cypress trees, approximately 14' – 16' in height and 3-3.5" caliper size at the time of planting, to adequately screen the Project from the existing multi-family residential neighborhood on the west site of East Jefferson Street. Additionally, understory plantings along East Jefferson Street are proposed, and will include shrubs, ornamental grasses and perennials.

At Halpine Road, an allée is proposed to provide an inviting public space. A seat wall encloses a rain garden/ bio-retention facility and acts to buffer the pedestrian experience from the loading dock area. A tall wall beyond the rain garden further screens the loading dock from this public open space. At the residential drop off and building entrance, residents and guests are greeted with a hardscape plaza area, including low bollard lighting, benches, 2 bike racks and landscaping. And an enclosed hardscape and landscaped outdoor patio area serves as an amenity for both the Crest I and Crest II residents.

The existing brick wall along Halpine Road will remain, to continue to provide screening of the loading dock from the public right-of-way. Additional brick walls will be constructed, to match the existing wall, in order to adequately screen the dumpster and loading area.

IV. Adequate Public Facilities

The Applicant's preliminary analysis indicates that there are adequate public facilities with respect to transportation, fire and rescue, water and sewer capacity (addressed below in Item VIII) to accommodate the proposed Project. In regards to schools, the Project is located within the Walter

Johnson High School, Tilden Middle School and Farmland Elementary School Districts. There is currently adequate capacity at each of these schools to accommodate the students anticipated to be generated by the Project, which is only 2 students at each the high school, middle school and elementary school. As identified in the Scoping Intake Form, the Crest II residential Project will generate fewer than 30 new peak hour vehicle trips during the AM and PM peak hours. Thus, per the City's Comprehensive Transportation Review ("CTR") guidelines, the CTR shall contain only an introduction and description of proposed transportation features on-site. No mitigation or analysis needs to be provided.

According to the Adequate Public Facilities Standards, dated October 28, 2013 (Appendix D), the Property is served by at least three fire stations within a 10 minute response time, thereby ensuring a prompt response time in the event of an emergency.

V. Parking

Section 25.16.03d of the Zoning Ordinance requires 69 parking spaces to be provided on the Property. Because the additional parking spaces provided are concealed within a parking structure and all of the required public use space is provided on-site, the Project is permitted to exceed the minimum requirement of 69 spaces. The Applicant is proposing a modest increase of only 2 spaces in order to accommodate anticipated residential demand.

Section 25.16.09 of the Zoning Ordinance requires 1 short term and 17 long term bicycle spaces on the Property. In accordance with this requirement, the Project will include a large bicycle storage room on the ground floor. Additionally, a bicycle rack will be located outside of the lobby entrance.

VI. Signage

The Project will utilize the existing monument sign, located at the entrance to the Crest I. Accordingly, because no additional signage is being provided, the total signage area will continue to be within the permitted sign area limits set forth in Article 18 of the Zoning Ordinance.

VII. Public Use Space

As previously mentioned, the public use space requirements of section 25.17.01 do not apply to this Project. Nonetheless, based on the Project site area, approximately 20 percent open space (8,100 square feet) will be provided, of which approximately 7.7 percent (3,000 square feet) will be devoted to public use space. The private open space, located adjacent to the lobby entrance, includes a landscaped park to be shared by residents of both the Crest I and Crest II. A public courtyard will be provided along Halpine Road for use and enjoyment by the residents and community.

VIII. Water and Sewer

The water and sewer for the Project will be provided by the City of Rockville Department of Public Works ("DPW"). A water and sewer authorization application has been submitted to DPW for review.

IX. Green Building Requirements

Section 5-303 of Article XIV of the City of Rockville Code requires that all new buildings comply with the City's Green Building Regulations. Specifically, section 5-324 requires all new construction of multi-family residential buildings achieve a minimum of 25 points under the appropriate LEED 2009 rating system, with at least 5 points coming from the list of high priority credits. The LEED 2009 rating system is outdated; however, the Project will effectively comply with this requirement by achieving the equivalent of 50 points under the current LEED for Homes rating system (applicable system for multi-family projects).

X. Findings

The Project satisfied the required Site Plan findings set forth in Section 25.07.01 of the Zoning Ordinance, in that the Project will not:

- A. Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development.*

The Property is ideally located for the proposed residential use and will in no way adversely affect the health or safety of persons residing or working in the neighborhood. The Property is surrounded by existing residential and retail uses. The Project is compatible with the multi-family residential use, located on the west side of East Jefferson Street, and will serve as a transition between the existing residential use and the Congressional Plaza Shopping Center. At the same time, the existing multi-family residential neighborhood will be adequately screened from the Project by the new row of Bald Cypress trees, approximately 14' – 16' in height and 3-3.5" caliper size at the time of planting, and will not be adversely affected by the Project. The location of the Project, in close proximity to the Twinbrook Metro Station, ensures that a significant portion of the Project's population will rely upon Metro for purposes of commuting to work. The development of needed residential uses in locations which promote the use of public transportation is not only a benefit to the health and safety of the persons living and working in the areas surrounding the Property, but to the entire region as well.

- B. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

The proposed residential Project will in no way be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Instead, the Project will provide numerous benefits to the neighborhood, including:

- Improving the pedestrian experiences along East Jefferson Street and Halpine Road
- Increasing Metro ridership by virtue of the Project's close proximity to the Metro
- Converting an existing impervious surface parking lot into an attractive residential building

C. Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards.

This Project will generate minimal trips and will not adversely affect traffic. Additionally, the Property is served by at least three fire stations within a 10 minute response time and there is currently adequate capacity at Walter Johnson High School, Tilden Middle School, and Farmland Elementary School to accommodate the few students anticipated to be generated by the Project.

D. Adversely affect the natural resources or environment of the City or surrounding areas

The Project will not adversely affect the natural resources or environment of the City or the surrounding areas. The Project will provide on-site quality and quantity stormwater measures in micro bioretention planter boxes. The proximity of the residences to the Metro will promote the use of Metro ridership, which will benefit the environment of the City as well as the surrounding area, given that approximately 34.1 percent of the residential population is anticipated to use Metro to commute to work. Overall, a total of 38.5 percent of residents are expected to use public transit (including Metro Bus service).

E. Be in conflict with the Plan

The Project is consistent with both the Corridor Plan and the Pike Plan. It provides new housing opportunities near the Metro, in a modestly sized building. Additionally, the Project helps define the pedestrian area along Halpine Road, thereby supporting the creation of a positive pedestrian connection between the Metro station and the commercial and residential neighborhoods west of Rockville Pike.

F. Constitute a violation of any provision of this Chapter or other applicable law

The proposed Project complies with the provisions and laws of Rockville governing the development of the Property. As detailed earlier in this Statement, the Project complies with all of the MXCD development standards. As previously stated, the Project will comply with the City's Green Building Standards and will exceed the 25 necessary points under the current LEED for Homes rating system.

The Project will also comply with the City's Art in Private Development Ordinance. In accordance with the City's Publically Accessible Art requirement, a context sensitive art piece will be installed in the exterior courtyard. Finally, in regard to the City's forestation requirements, the Project satisfies the afforestation requirement of 15 percent and minimum tree cover requirement of 10 percent, all on site.

G. Be incompatible with the surrounding uses or properties

The Project will be compatible with the surrounding uses and properties which consist of retail to the north and east, and multi-family residential to the south and west. As previously mentioned, the Project will accomplish the Corridor Plan's goal by providing a buffer between the existing residential apartments on the west side of East Jefferson Street and the commercial uses along Rockville Pike.

XI. Conclusion

The proposed Site Plan provides an opportunity to transform an impervious surface level parking lot into a modestly sized residential building which responds to the characteristics of the surrounding area and the City of Rockville. The Project will enhance the pedestrian connection between the commercial and residential uses on the west side of Rockville Pike and the Metro Station, and will provide additional residential uses in close proximity to the Metro.